

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____ CHARLES FOX, Plaintiff,)	
)	
)	
v.)	C.A. No. 05-40106-WGY
)	
HARLEY LAPPIN, et al.,)	
Defendants)	
_____)	

MOTION FOR ENLARGEMENT OF TIME FOR FILING AMICUS BRIEF

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, amicus curiae requests that the time within which the amicus brief with respect to the issues presented in this action may be filed be enlarged from August 15, 2005 to and including September 6, 2005.

In support of this motion, amicus states the following:

1. This Court directed the Federal Defender Office to enter an appearance as an amicus party and to file an amicus brief in both this case and in the case of *Barrera v. Winn*, Civil Action No. 05-40107-RWZ no later than August 15, 2005 unless additional time is sought for good cause.

2. Addressing the questions raised in this action requires obtaining additional documentation concerning administrative actions. It also requires researching the legislative history of 18 U.S.C. §4042 and related statutes, and researching issues of delegation and administrative law as well as statutory construction.

3. While counsel has begun the process of obtaining the additional documentation and has begun research in all of these areas, because of commitments in other cases she will not be

able to properly complete that research and draft the amicus brief within the time allowed under the current scheduling order.

4. Accordingly, counsel is requesting the additional time in order to provide this Court with an amicus brief that fully addresses the issues raised in the petition.

5. The United States has no objection to the enlargement of time requested.

Respectfully submitted,

/s/ Judith H. Mizner

Judith H. Mizner
Assistant Federal Public Defender
Federal Defender Office, D. Mass.
408 Atlantic Ave.
Boston, MA 02110
(617) 223-8061

Dated: August 11, 2005

CERTIFICATE OF SERVICE

I, Judith H. Mizner, hereby certify that I have, this date, served this Notice by mailing a copy thereof to the following: Mr. Charles M. Fox, Reg. No. 02972-088, FMC Devens, P.O. Box 879, Ayer, MA 01432; Mr. David Winn, Warden, FMC Devens, P.O. Box 880, Ayer, MA 01432; Mr. Harley Lappin, Director BOP, 320 N.W. First Street, Washington, D.C. 20534; and by delivering a copy thereof to Gregg Shapiro, Esq., Office of the United States Attorney for the District of Massachusetts, U.S. Moakley Courthouse, 1 Courthouse Way, Boston, MA 02210.

/s/Judith H. Mizner
Judith H. Mizner